

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION

MDL DOCKET # 1407

MDL #2:02-CV-1757-BJR

This document relates to the action(s)
listed below:

David Emery
vs.
Bayer Corp., et al.,

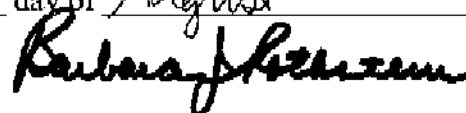
~~PROPOSED~~ ORDER GRANTING
WYETH'S MOTION FOR
SUMMARY JUDGMENT ON THE
GROUNDS THAT PLAINTIFF DID
NOT INGEST A WYETH PPA-
CONTAINING PRODUCT WITHIN
THE SEVENTY-TWO (72) HOURS
OF HIS STROKE AS REQUIRED BY
THIS COURT'S JUNE 18, 2003
DAUBERT ORDER

ORDER

Considering Wyeth's Motion for Summary Judgment on the grounds that the evidence in this case demonstrates that plaintiff did not ingest a PPA-containing product manufactured by Wyeth within the seventy-two (72) hours prior to his stroke as required by this Court's June 18, 2003 Daubert Order;

IT IS HEREBY ORDERED that plaintiff David Emery's claims against Wyeth are dismissed, with prejudice, at plaintiff's cost.

Seattle, Washington this 17th day of August, 2005.



JUDGE BARBARA J. ROTHSTEIN